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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,063	10/17/2001	Kazuhisa Kashiwazaki	0234-0433P	4184

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EXAMINER

COMBS, JANELL A

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 04/04/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/978,063

Applicant(s)

KASHIWAZAKI ET AL.

Examiner

Janelle Combs-Morillo

Art Unit

1742

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 March 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-8.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

Continuation of 2. NOTE: the method of procuding an aluminum sheet material as set forth in new claim 9 has not previously been considered.

Continuation of 5. does NOT place the application in condition for allowance because: concerning the instant method claims- the argument that the prior art does not teach the % reduction (instant claim 8) has not been found persuasive. Komsubara teaches casting "into an ingot in a conventional manner by any of the well-known continuous casting, semi-continuous casting and direct chill casting (DC) processes (column 4 lines 13-16), and further hot and cold rolling to a thickness of 0.2-4mm (column 4 line 32). Ex. 1 shows a thickness of 1.0 mm. Because casting 100mm thick slabs is within the scope of Komsubara, and the %reduction would be 99% when reducing a 100mm slab to 1mm, the rejection is deemed proper.

Concerning the product claims, the argument that JP'054 doesn't teach higher amounts of Cu and Fe improve weldability has not been found persuasive. JP'054 overlaps the instant ranges and applicant has not shown unexpected results with regard to the overlap. The argument that claim 3 excludes Sn of JP'054 has not been found persuasive because the amendment filed on March 19, 2003 has not been entered. The argument that JP'095 does not teach "less than 0.6% Mn" has not been found persuasive. JP'095 teaches a close approximation of the instant range. See MPEP § 2144.05, In re Best 195 USPQ 430, In re Malagari, 182 USPQ 549, In re Titanium Metals Corporation of America v. Banner, 227 USPQ 773 (Fed. Cir 1985), In re Woodruff, 16 USPQ 2d 1934, and In re Wertheim, 541 F.2d 257, 191 USPQ 90 (CCPA 1976).

Concerning product by process claim 3, the comparative test results were not considered because they were not in declaration form.



GEORGE WYSZOMIERSKI
PRIMARY EXAMINER

